

25.07.2022

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Allowed

C.R.M. (NDPS) No. 830 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kult Police Station Case No. 200 of 2022 dated 26.03.2022 under Sections 20(b)(ii) of the NDPS Act.

And

In Re : Rahul Kumar petitioner

Mr. Apurba Kumar Datta

Mr. Gopal Chakraborty

.....for the petitioner

Mr. Ranabir Roy Chowdhury

Mr. Sandip Chakraborty

....for the State

Learned Counsel appearing for the petitioner submits that petitioner is in custody for about four months. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. Keeping in mind the nature of allegation which relates to recovery of 5.2 kgs. of Ganja which is below commercial quantity and in view of period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Paschim

Bardhaman at Asansol, subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)